

Prob 12B
(7/93)

UNITED STATES DISTRICT COURT

for the

District of Nebraska

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA

07 OCT 19 PM 4:20

OFFICE OF THE CLERK

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender
(Probation Form 49, Waiver of Hearing is Attached)**

Name of Offender: Thomas Cullen **Docket Number:** 8:04CR285
Sentencing Judge: Honorable Joseph F. Bataillon
Chief U.S. District Judge
Date of Original Sentence: October 1, 2004
Original Offense: June 2, 2003
Original Sentence: 21 months imprisonment, 3 years supervised release
Type of Supervision: Supervised release
Date Supervision Commenced: June 1, 2006

PETITIONING THE COURT

☐ To extend the term of supervision for _____, for a total term of _____

☒ To modify the conditions of supervision as follows:

"The defendant shall make payments to satisfy the criminal monetary penalty in monthly installments of \$15.00 or 5% of the defendant's net income, whichever is greater. The first payment shall commence December 1, 2007, and continue until the criminal monetary penalty is paid in full. The defendant shall be responsible for providing proof of payment to the probation officer as directed.

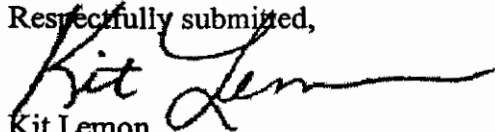
CAUSE

Thomas Cullen was ordered to make monthly payments toward his restitution obligation in the amount of \$100 or 20% of his gross income, whichever is greater. Investigation into Mr. Cullen's finances reveals that after his wages are garnished for child support and paying child care and rent, he is left with a monthly net income of \$232.00. This is less than 20% of his monthly gross income, which would be \$324.00. If he were to pay \$100.00 per month, that would leave him with only \$132.00 per month for expenses such as food, clothing, transportation, and other incidentals. Mr.

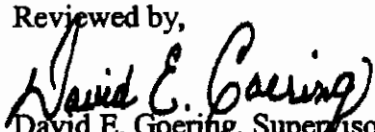
CULLEN, Thomas
MODIFICATION OF CONDITIONS
October 17, 2007

Cullen is functionally illiterate and makes his living driving a truck. He has made a good faith effort to make monthly payments towards his restitution obligation in the amount of \$10 per month since February 2007.

Respectfully submitted,


Kit Lemon
U.S. Probation Officer

Reviewed by,


David E. Goering, Supervisor
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Extension of Supervision as noted above
- ☒ The Modification of Conditions as noted above
- ☐ Other


The Honorable Joseph F. Bataillon
Chief U.S. District Judge

10/19/07
Date

Prob 49
(Rev. 12/00)

United States District Court

District of Nebraska

**Waiver of Hearing to Modify Conditions
of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Supervision. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modified condition:

"The defendant shall make payments to satisfy the criminal monetary penalty in monthly installments of \$15.00 or 5% of the defendant's net income, whichever is greater. The first payment shall commence December 1, 2007, and continue until the criminal monetary penalty is paid in full. The defendant shall be responsible for providing proof of payment to the probation officer as directed.

Witness: _____

Kit Lemon
U.S. Probation Officer

Signed: _____

Thomas Cullen
Offender

Date: _____

10/19/07